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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,672	05/24/2001	Bradley Alan Sparks	RCA 88,397	3803

7590 11/15/2006  
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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/864,672

Applicant(s)

SPARKS ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed 07/10/2006, have been entered and made of record. Claims 1-18 are pending.
2. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. No. 5,686,954) in view of Ishii (US PAT NO. 6,424,790).

Claims 5-12 will be discussed first.

Regarding claim 5, Yoshinobu discloses a receiving device receiving and decoding compressed digital video signals, said receiver device comprising:

a receiving means for receiving and selecting between a first compressed digital video signal from a network source and a second compressed digital video signal and a display message data signal from a local source (see figs. 9-10 and col. 13 lines 26-53, col.15 lines 11-15, lines 45-54),

a decoder coupled to said receiving means for decoding said selected one of said first and second compressed digital signals to form a video signal (see decode section in fig. 10 and col. 13 lines 54-65);  
control means coupled to said receiving means for controlling selection between said first and second compressed digital video signals, and responsive to selection of said second compressed digital video signal, receiving said display message data signal (see col. 13 lines 48-53, col. 14 lines 14-32, col. 16 lines 14-20, lines 36-42, claims 9-10 and 13, and see fig. 10).

Claim 1 differs from Yoshinobu in that the claim further requires means for combining a display message formed from said display message data signal with said video signal decoded from said second compressed digital video signal to generate a combined video signal for display.

In the same field of endeavor Ishii discloses when one of the programs recorded in the video cassette recorder (see fig. 25 unit 3) starts being reproduced on the display screen (see fig. 25 unit 4), a recording time of the day displays on the screen 4A (see col. 39 lines 30-57. Ishii further discloses the time of the day at which the currently viewed program was recorded while the program is being reproduced (see col. 39 lines 58-62). Therefore in light of the teaching in Ishii it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshinobu by combining a display message with decoded video signal in order to indicate to the user the recorded time of the program.

Regarding claim 6, Yoshinobu discloses compressed digital television signal is reproduced from a digital recorder (see figures 20 and 21).

Regarding claim 7, Ishii discloses display message data signal is a recorder status message (see fig. 25 and also claims 9-10 and 13 of Yoshinobu).

Regarding claim 8, Yoshinobu discloses delay means connected to said control means for delaying transmission of said message data signal to said means for combining (see fig. 20 and 21, the recorded content has been displayed before the judgment inputted).

Regarding claim 9, Yoshinobu discloses receiver selects between said first compressed digital video signal and second compressed digital video signal responsive a user generated command signal (see figures 9 and 10, and col. 13 lines 26-53, col.15 lines 11-15, lines 45-54).

Regarding claim 10, Yoshinobu discloses an infrared receiver connected to said control means for receiving an infrared signal from a remote control unit, said infrared signal controlling selection between said first compressed digital video signal and second compressed digital video signal (see figure 9 decision and figure 10 component 90, 93, 83 and 100 and rejection of claim 5).

Regarding claim 11, Ishii discloses a delay element, connected to said status message generator, for delaying transmission of said status message signal to said display message combiner (see col. 40 lines 15-27).

Regarding claim 12, Ishii discloses delay element provides a delay equal to a decoding time of the decoder to thereby synchronize said message signal with said decoded video signal for display (see col. 39 lines 7-26).

Regarding claim 13, Ishii discloses compressed digital video signal bit stream includes a plurality of frames, and said display message combiner combines said status message signal with

a first one of video frames decoded from said plurality of frames of said compressed digital video signal bit stream (see fig. 25, recording and playback times).

Regarding claim 14, Ishii discloses status message signal is generated, a second one of the decoded frames, other than the first one of the decoded frames, is available for combining (see col. 39 lines 30-40).

Regarding claim 15, Ishii discloses status message generator delays generation of the status message signal to compensate a decoding time of the first one of the decoded frames (see col. 39 lines 19-25).

Regarding claim 16, Ishii discloses status message generator is signaled to generate said status message signal, a second one of the decoded frames, other than the first one of the decoded frames, is available for combining (see col. 39 lines 19-61).

Regarding claim 17, Ishii discloses a delay element, connected to said status message generator, for delaying generation of said status message signal (see col. 39 lines 7-26).

Regarding claim 18, Ishii discloses delay element provides a delay to compensate a decoding time of the decoder to thereby synchronize said message signal with said decoded video signal for display (see col. 37 lines 30-37 and col. 39 lines 19-26).

Regarding claim 1, Yoshinobu discloses a digital apparatus for reproducing a digital video representative signal stored on a recorded medium connected to a receiving device including a decoder (see rejection of claim 5 above), said

apparatus comprising:

means for processing said digital video representative signal stored on the recorded medium to produce at an output a compressed digital video signal bit stream for decoding by the decoder (see claim 1 rejection);

a generator generating a status message signal indicative of an operating mode of said apparatus( see figures 10 and 14 component 100 and rejection of claim 5).

Claim 1 differs from Yoshinobu in that the claim further discloses a display message combiner having a first input coupled to said status message signal and a second input receiving a video signal decoded from said compressed digital video signal bit stream, said combiner combining said status message signal with said decoded video signal for display.

In the same field of endeavor Ishii discloses when one of the programs recorded in the video cassette recorder (see fig. 25 unit 3) starts being reproduced on the display screen (see fig. 25 unit 4), a recording time of the day displays on the screen 4A (see col. 39 lines 30-57. Ishii further discloses the time of the day at which the currently viewed program was recorded while the program is being reproduced (see col. 39 lines 58-62). Therefore in light of the teaching in Ishii it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshinobu by combining a display message with decoded video signal in order to indicate to the user the recorded time of the program.

Regarding claim 2, Yoshinobu discloses status message generator is responsive to a tape timer or time code signal (see fig. 14 component 108).

Regarding claim 3, Yoshinobu discloses generation of said message data signal by said status message generator is in response to receipt of a user generated command signal (see figure 10 components 90,93,83 and figures 20-21 and rejection of claim 9).

Regarding claim 4, Yoshinobu discloses an infrared receiver connected to said status message generator for receiving an infrared signal from a remote control unit, said infrared signal controlling the operating mode of said apparatus (see rejection of claim 10 above).

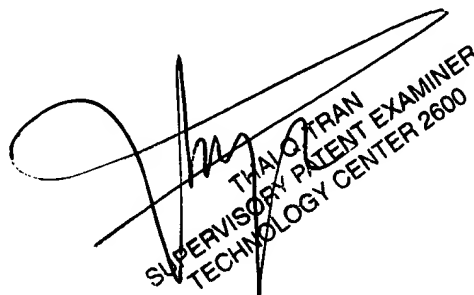
***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
November 11, 2006

  
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